

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOSEPH LEDET,
Plaintiff,

v.

LOWE'S HOME CENTERS, LLC
Defendant.

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CIVIL ACTION NO. 1:21-cv-00533
JURY TRIAL DEMANDED

DEFENDANT LOWE'S HOME CENTERS, LLC
INDEX OF MATTERS BEING FILED

Defendant, LOWE'S HOME CENTERS, LLC ("Defendant"), files this Index of all documents filed in the state court action:

Exhibit 1: All Executed Process

- Executed Service of Process on Lowe's Home Centers, LLC on September 22, 2021

Exhibit 2: All State Court Pleadings

- Plaintiff's Original Petition filed September 15, 2021
- Defendant Lowe's Home Centers, LLC's Original Answer filed October 18, 2021
- Defendant Lowe's Home Centers, LLC's Jury Demand filed October 18, 2021

Exhibit 3: State Court Docket Sheet

Exhibit 4: List of all counsel of record, including addresses, telephone numbers and parties represented

EXHIBIT 1

(All Executed Service of Process)



Notice of Service of Process

null / ALL
Transmittal Number: 23817044
Date Processed: 09/23/2021

Primary Contact: Heather McClow
Lowe's Companies, Inc.
1000 Lowes Blvd
Mooresville, NC 28117-8520

Entity:	Lowe's Home Centers, LLC Entity ID Number 2515365
Entity Served:	Lowe's Home Center, LLC
Title of Action:	Joseph Ledet vs. Lowe's Home Center, LLC
Matter Name/ID:	Joseph Ledet vs. Lowe's Home Center, LLC (11586574)
Document(s) Type:	Petition
Nature of Action:	Personal Injury
Court/Agency:	Jefferson County Court, TX
Case/Reference No:	0136937
Jurisdiction Served:	Texas
Date Served on CSC:	09/22/2021
Answer or Appearance Due:	10:00 am Monday next following the expiration of 20 days after service
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Mel W. Shlelander 409-833-2165

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

THE STATE OF TEXAS

DELIVERED: 9/22/21

By: GC
Assured Civil Process AgencyTO: LOWES HOME CENTER LLC By Serving: CORPORATION SERVICE COMPANY DBA CSC LAWYERS
INC211 E 7TH STREET, SUITE 620
AUSTIN, TX 78701-0000

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Said answer may be filed by mailing same to: THERESA GOODNESS, Jefferson County Clerk, P.O. Box 1151, Beaumont, Texas 77701, or by bringing it to the office located at 1085 Pearl St., Beaumont, Texas 77701, on the first floor of the new annex.

The case is presently pending in the County Court at Law #1, located at 1149 Pearl St. 2nd floor, Beaumont, Texas 77701, and was filed in said Court on 09/15/21, and numbered 0136937 on the docket.

JOSEPH LEDET
VS

LOWE'S HOME CENTER, LLC

The name and address of attorney for plaintiff (otherwise the address of plaintiff) is:

SHELANDER, MEL WILBUR
245 N. 4TH STREET
BEAUMONT, TX 77701-0000
409-833-2165.

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's Original Petition.

accompanying this citation and made a part hereof.

The officer executing this writ shall promptly service the same according to requirements of law, and the mandates hereof, and made due return as the law directs.

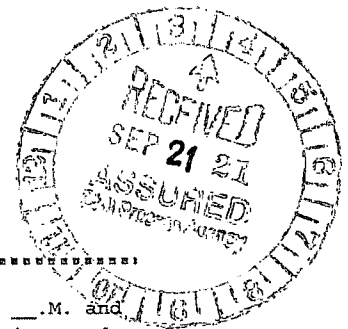
Issued and given under my hand and seal of said Court at Beaumont, Texas, this 09/16/21.

THERESA GOODNESS

County Court of Jefferson County at Law #1

By

(ELISABETH JOHNSON) Deputy



OFFICER OR AUTHORIZED PERSON'S RETURN

Came to hand on _____ day of _____, 20____, at _____ o'clock ____ M. and executed in _____ County, Texas by delivery to the with-in-named defendant in person a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the Plaintiff's petition, at the following time and place to-wit:

Name	Address Where Served	Date	Time

FOR RULE 106 SERVICE: State person served or manner of service

FEE \$ _____

Signature of Authorized Person (Other than Sheriff or Constable)

Sheriff or Constable_____
County, Texas

By _____, Deputy

CITATION

EXHIBIT 2

(All State Court Pleadings)

FILED FOR RECORD
Theresa Goodness
9/15/2021 4:05 PM
COUNTY CLERK
JEFFERSON COUNTY
0136937

0136937
CAUSE NO. _____

JOSEPH LEDET	§	IN THE COUNTY COURT
	§	
V.	§	AT LAW NO. ¹ _____
	§	
LOWE'S HOME CENTER, LLC	§	JEFFERSON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, JOSEPH LEDET, hereinafter called Plaintiff, complaining of LOWE'S HOME CENTER, L.L.C., hereinafter called Defendant, and for cause of action would respectfully show unto the Court as follows:

I.

Plaintiff intends that discovery be conducted under Discovery Level I and Rule 190.2 of the Texas Rules of Civil Procedure.

II.

Plaintiff, Joseph Ledet, whose address is 3915 Charles Avenue, Groves, Jefferson County, Texas 77619 brings this action. The last three numbers of Plaintiff's driver's license number is 720. The last three numbers of Plaintiff's social security is 297.

Defendant Lowe's Home Center, L.L.C. is a North Carolina corporation engaged in business in Jefferson County, Texas. They may be served with process by serving its registered agent Corporation Service Company d/b/a CSC-Lawyers, Inc., at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

III.

The subject matter in controversy is within the jurisdictional limits of this Court.

Plaintiff seeks only monetary relief of \$250,000 or less, excluding interest, statutory, or punitive damages and penalties and attorney's fees and costs.

IV.

At all times mentioned, Defendant owned and operated a retail store located at 8383 Memorial Boulevard, Port Arthur, Jefferson County, Texas 77640. In the conduct of its business, Defendant invited the public to enter its store for the purpose of purchasing merchandise offered for sale. Under the laws of the State of Texas, the Defendant owes to such business invitee a duty to maintain the store in a reasonably safe condition.

V.

On or about February 11, 2021, Plaintiff was a customer in the store maintained and operated by Defendant at 8383 Memorial Boulevard, Port Arthur, Jefferson County, Texas 77640, under the name Lowe's, when he slipped and fell on a wet substance on the floor. Plaintiff has reason to believe and therefore alleges that the wet floor in its dangerous condition constituted a hazard to people in the same class as Plaintiff, consequently made the premises involved a place which was not reasonably safe. Plaintiff alleges that at the time of and prior to the time he was injured, Plaintiff was exercising prudence and care while attempting to walk on the wet substance on the floor. On the other hand, the Defendant's employees did appreciate the full extent of the dangers involved in the wet substance on the floor in its then existing condition, as described above.

VI.

The wet substance on the floor where the Plaintiff was injured was not open and obvious to him, nor did he have equal opportunity to observe such wet substance on the floor where he was

injured. The employees of the Defendant and Defendant herein owed a duty to the Plaintiff to warn him of the dangerous wet substance on the floor prior to his injury.

VII.

If Plaintiff is mistaken in alleging that the Defendant and its employees knew of the presence of the wet substance on the floor in its dangerous condition as aforesaid, then Plaintiff alleges that such dangerous condition of the wet substance on the floor had been there for such a period of time that it could have been discovered and removed by Defendant and/or its employees prior to the time that Plaintiff was injured had they exercised ordinary care and prudence. As a result of the injury, Plaintiff received personal injuries which are more fully hereinafter described.

VIII.

Plaintiff's resulting injuries were directly and proximately caused by one or more, or all, of the following acts of negligence on the part of the Defendant, its agents, servants and employees, all of whom were then and there acting within the scope and course of their employment.

- a) In leaving the wet substance on the floor in a dangerous condition;
- b) In failing to remove or repair the wet substance on the floor prior to Plaintiff's injury;
- c) In maintain the premises in an unsafe condition by permitting the wet substance of the floor to be and remain in the store;
- d) In failing to warn Plaintiff that there was a wet substance on the floor prior to the time he was injured; and
- e) In failing to make a proper inspection of the wet substance on the floor prior to the time Plaintiff was injured.

IX.

As direct and proximate result of Defendant's aforesaid negligence, Plaintiff sustained physical pain and mental anguish, both past and present and future. Plaintiff has incurred medical

expenses in the care and treatment of his injuries. He will, in reasonable probability, be required to obtain other and further medical care for the treatment of these injuries in the future. The charges for these services and treatments have and will be the fair, reasonable usual and customary charges for the same or similar medical services rendered and to be rendered in and about the vicinity where they have and will be rendered. He also has lost wages.

TEXAS RULE OF CIVIL PROCEDURE 193.7 NOTICE

Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pretrial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final trial, hereof, Defendant be cited in terms of law to appear and answer herein, that Plaintiff have judgment against Defendant for the full amount of his damages in a sum in excess of \$1,000.00 which confers jurisdiction of this Court, with pre-judgment interest and post-judgment interest thereon at the legal rate, for costs of Court in this behalf expended and for such other and further relief, special and general, at law and in equity, to which he may be show himself justly entitled.

Respectfully submitted,

SHELANDER LAW OFFICES
245 N. 4th Street
Beaumont, Texas 77701
(409)833-2165
Fax (409)833-3935

By: 

MEL W. SHELANDER
State Bar No. 18188500
mws@shelanderlaw.com
COLETTE SHELANDER
State Bar No.: 24122754
colette@shelanderlaw.com

CAUSE NO. 0136937

JOSEPH LEDET,

Plaintiff,

v.

LOWE'S HOME CENTER, LLC,

Defendant.

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IN THE COUNTY COURT

AT LAW NO. 1

JEFFERSON COUNTY, TEXAS

**DEFENDANT LOWE'S HOME CENTERS, LLC'S
ORIGINAL ANSWER**

Defendant, LOWE'S HOME CENTERS, LLC ("Lowe's") hereby files its Original Answer to Plaintiff's Original Petition as follows:

**I.
GENERAL DENIAL**

1. Lowe's denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

**II.
INFERENTIAL REBUTTALS**

2. Notwithstanding the foregoing, Lowe's asserts the following by way of inferential rebuttal and requests that the Court instruct the jury as follows:

- a. ***New and Independent Cause / Superseding Intervening Cause.*** The alleged damages in question as set forth in the Petition were caused by the conduct of Plaintiff, and that said conduct destroyed any causal connection between the alleged acts or omissions of Lowe's and the injuries complained of thus becoming an independent, superseding, or intervening cause of the Plaintiff's alleged damages.

- b. ***Sole Proximate Cause.*** The act(s) or omission(s) of Plaintiff or a third party was the sole cause of the damages he alleges in the Petition and therefore, Lowe's is not liable to the Plaintiff.

III.
AFFIRMATIVE DEFENSES

3. Pleading further, alternatively, and by way of affirmative defense, Lowe's asserts that any damages sought to be recovered by Plaintiff should be reduced to the extent that Plaintiff has failed to take the reasonable steps that a person of ordinary prudence in a similar situation would have taken to avoid and mitigate the claimed damages.

4. Pleading further, alternatively, and by way of affirmative defense, Lowe's asserts that in the unlikely event that an adverse judgment would be rendered against it, Lowe's would respectfully request all available credits and/or offsets as provided by the Texas Civil Practice & Remedies Code and under Texas law.

5. Lowe's hereby gives notice that it intends to rely upon such other defenses or denials, affirmative or otherwise, and to assert third-party claims and any other claims, as may become available or appear during discovery as it proceeds in this matter, and hereby reserves the right to amend its Original Answer to assert such defenses.

6. Pleading further, alternatively, and by way of affirmative defense, Lowe's asserts that in addition to any other limitation under law, Plaintiff's recovery of medical or health care expenses is limited to the amount actually paid

or incurred by or on behalf of Plaintiff, pursuant to Section 41.0105 of the Texas Civil Practice & Remedies Code.

7. Pleading further, alternatively, and by way of affirmative defense, Lowe's hereby affirmatively pleads that Plaintiff engaged in acts, including acts of negligence, which caused Plaintiff's alleged damages. Therefore, Plaintiff is barred, in whole or in part, from recovering any damages from Lowe's.

8. Pleading further, alternatively, and by way of affirmative defense, Lowe's hereby requests that the trier of fact in this matter, after a trial on the merits, consider and determine the percentage of responsibility of Plaintiff and any other party or responsible third party pursuant to Chapter 33 of the Texas Civil Practice & Remedies Code.

9. Pleading further, alternatively, and by way of affirmative defense, Lowe's asserts that Plaintiff's claims of physical and/or mental ailments in this cause were, in whole or in part, proximately caused solely and/or proximately by prior and/or subsequent accidents, events, or occurrences. Lowe's further asserts that Plaintiff's claims of injuries and damages are the result in whole or in part of pre-existing conditions, injuries, diseases, and disabilities and not the result of any act or omission on the part of Lowe's.

10. Pleading further, alternatively, and by way of affirmative defense, Lowe's alleges that the accident made the basis of this lawsuit was just that, an accident, not caused by the negligence of any party.

11. By way of affirmative defense, Plaintiff's claims, if any, for lost wages and/or loss of future earning capacity are barred, limited, restricted, and/or governed by the provisions of the Texas Civil Practice & Remedies Code Chapter 18, and any other applicable statute concerning the recovery of damages and the common law of Texas and limiting same to the net loss after reduction for income tax payments or unpaid tax liability thereon. Accordingly, Lowe's specifically pleads the limitations, restrictions and/or bar on the recovery by Plaintiff of such damages in accordance with Chapter 18 and other applicable law.

PRAYER

12. Defendant, Lowe's Home Centers, LLC, prays that Plaintiff take nothing by his lawsuit, that Lowe's go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Lowe's may show itself justly entitled.

Respectfully submitted,

MAYER LLP

/s/ Jason M. Gunderman

Kevin P. Riley

State Bar No. 16929100

kriley@mayerllp.com

Jason M. Gunderman

State Bar No. 24085349

jgunderman@mayerllp.com

4400 Post Oak Parkway, Suite 1980

Houston, Texas 77027

**ATTORNEYS FOR DEFENDANT
LOWE'S HOME CENTERS, LLC**

CERTIFICATE OF SERVICE

This is to certify that on the 18th day of October 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Mel W. Shelander
Email: mws@shelanderlaw.com
Colette Shelander
Email: colette@shelanderlaw.com
SHELANDER LAW OFFICES
245 N. 4th Street
Beaumont, Texas 77701

COUNSEL FOR PLAINTIFF

☐ E-MAIL
☐ HAND DELIVERY
☐ FACSIMILE
☐ OVERNIGHT MAIL
☐ REGULAR, FIRST CLASS MAIL
☒ E-FILE AND SERVE
☐ E-SERVICE ONLY
☐ CERTIFIED MAIL/RETURN RECEIPT
REQUESTED

/s/ Jason M. Gunderman

Jason M. Gunderman

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kathryn Keefer on behalf of Jason Gunderman
 Bar No. 24085349
 kkeef@mayerllp.com
 Envelope ID: 58273818
 Status as of 10/18/2021 2:56 PM CST

Associated Case Party: JOSEPHLEDET

Name	BarNumber	Email	TimestampSubmitted	Status
Mel W.Shelander		mws@shelanderlaw.com	10/18/2021 12:04:30 PM	SENT
Tracey Sonnier		tracey@shelanderlaw.com	10/18/2021 12:04:30 PM	SENT
Colette Shelander		colette@shelanderlaw.com	10/18/2021 12:04:30 PM	SENT

Associated Case Party: LOWES HOME CENTER LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Jason Gunderman		jgunderman@mayerllp.com	10/18/2021 12:04:30 PM	SENT
Kathy Keefer		kkeef@mayerllp.com	10/18/2021 12:04:30 PM	SENT
Kevin Riley		kriley@mayerllp.com	10/18/2021 12:04:30 PM	SENT
Chrysa Williams		CWilliams@mayerllp.com	10/18/2021 12:04:30 PM	SENT

CAUSE NO. 0136937

JOSEPH LEDET,	§	IN THE COUNTY COURT
	§	
PLAINTIFF,	§	
	§	
V.	§	AT LAW NO. 1
	§	
LOWE'S HOME CENTER, LLC,	§	
	§	
DEFENDANTS.	§	JEFFERSON COUNTY, TEXAS

**DEFENDANT LOWE'S HOME CENTERS, LLC'S
JURY DEMAND**

Defendant, Lowe's Home Centers, LLC, pursuant to the provisions of Rule 216 of the Texas Rules of Civil Procedure, hereby formally makes this demand for a Jury Trial in the above-referenced cause.

Respectfully submitted,

MAYER LLP

/s/ Jason M. Gunderman

Kevin P. Riley

State Bar No. 16929100

kriley@mayerllp.com

Jason M. Gunderman

State Bar No. 24085349

jgunderman@mayerllp.com

4400 Post Oak Parkway, Suite 1980

Houston, Texas 77027

**ATTORNEYS FOR DEFENDANT
LOWE'S HOME CENTERS, LLC**

CERTIFICATE OF SERVICE

This is to certify that on the 18th day of October 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Mel W. Shelander
Email: mws@shelanderlaw.com
Colette Shelander
Email: colette@shelanderlaw.com
SHELANDER LAW OFFICES
245 N. 4th Street
Beaumont, Texas 77701

COUNSEL FOR PLAINTIFF

☐ E-MAIL
☐ HAND DELIVERY
☐ FACSIMILE
☐ OVERNIGHT MAIL
☐ REGULAR, FIRST CLASS MAIL
☒ E-FILE AND SERVE
☐ E-SERVICE ONLY
☐ CERTIFIED MAIL/RETURN RECEIPT
REQUESTED

/s/ Jason M. Gunderman

Jason M. Gunderman

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kathryn Keefer on behalf of Jason Gunderman
 Bar No. 24085349
 kkeef@mayerllp.com
 Envelope ID: 58273818
 Status as of 10/18/2021 2:56 PM CST

Associated Case Party: JOSEPHLEDET

Name	BarNumber	Email	TimestampSubmitted	Status
Tracey Sonnier		tracey@shelanderlaw.com	10/18/2021 12:04:30 PM	SENT
Mel W.Shelander		mws@shelanderlaw.com	10/18/2021 12:04:30 PM	SENT
Colette Shelander		colette@shelanderlaw.com	10/18/2021 12:04:30 PM	SENT

Associated Case Party: LOWES HOME CENTER LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Jason Gunderman		jgunderman@mayerllp.com	10/18/2021 12:04:30 PM	SENT
Kathy Keefer		kkeef@mayerllp.com	10/18/2021 12:04:30 PM	SENT
Kevin Riley		kriley@mayerllp.com	10/18/2021 12:04:30 PM	SENT
Chrysa Williams		CWilliams@mayerllp.com	10/18/2021 12:04:30 PM	SENT

EXHIBIT 3

(State Court Docket Sheet)



Jefferson County Texas

County Clerk Web Access

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136937



General

Image for this record is not available on this website.

Document Information

Cause: 136937

Date Received: 09/15/2021

Case Type: INJURY/DAMAGE: OTHER

Parties

Name Seq	Party Type Description	Combined Name
1	PLAINTIFF	LEDET JOSEPH
2	DEFENDANT	LOWES HOME CENTER LLC

Documents

Date Filed	Document Type	Image
09/15/2021	PETITION	
09/16/2021	CITATION (OFFICE COPY)	
09/24/2021	CITATION (RETURNED SERVED)	
10/18/2021	JURY TRIAL (DEMAND FOR)	
10/18/2021	ANSWER	

EXHIBIT 4

(List of All Counsel of Record)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOSEPH LEDET,
Plaintiff,

v.

LOWE'S HOME CENTERS, LLC
Defendant.

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CIVIL ACTION NO. 1:21-cv-00533
JURY TRIAL DEMANDED

DEFENDANT LOWE'S HOME CENTERS, INC.'S
INFORMATION PURSUANT TO LOCAL RULE CV-81(C)

(1) **A list of all parties in the case, their party type (e.g., plaintiff, defendant, intervenor, receiver, etc.) and current status of the removed case (pending, dismissed);**

(a) Joseph Ledet – *Plaintiff*

(b) Lowe's Home Centers, LLC – *Defendant*

The removed case is currently pending.

(2) **A civil cover sheet and a certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action (e.g. complaints, amended complaints, supplemental complaints, counterclaims, cross-actions, third party actions, interventions, etc.); all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court, as required by 28 U.S.C. § 1446(a).**

See attached civil cover sheet and documents attached to Defendant Lowe's Home Centers, LLC's Notice of Removal as *Exhibit A*.

- (3) **A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number and party or parties represented by him/her;**

Mel W. Shelander
State Bar No. 18188500
Email: mws@shelanderlaw.com
Colette Shelander
State Bar No. 24122754
Email: colette@shelanderlaw.com
SHELANDER LAW OFFICES
245 N. 4th Street
Beaumont, Texas 77701
409.833.2165 / Fax: 409.833.3935
Counsel for Plaintiff
Joseph Ledet

Kevin P. Riley
State Bar No. 16929100
E-Mail: kriley@mayerllp.com
Jason M. Gunderman
State Bar No. 24085349
E-Mail: jgunderman@mayerllp.com
MAYER LLP
4400 Post Oak Parkway, Suite 1980
Houston, Texas 77037
713.487.2000 / Fax: 713.487.2019
Counsel for Defendant
Lowe's Home Centers, LLC

- (4) **A record of which parties have requested a trial by jury (this information is in addition to placing the word "jury" at the top of the Notice of Removal immediately below the case number); and**

Defendant Lowe's Home Centers, LLC has requested a trial by jury and paid the applicable jury fee on October 18, 2021.

- (5) **The name and address of the court from which the case is being removed.**

Jefferson County Court at Law No. 1
1149 Pearl Street, #202
Beaumont, Texas 77701
409.835.8470